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EXAMINER

HENDRICKSON, STUART L

ART UNIT

PAPER NUMBER

1793

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Art Unit: 1793

The response is as follows:

- 1) The finality is proper and stands.
- 2) Claim 22 was examined and found allowable. Hence it is objected-to as depending upon a rejected claim.
- 3) The action explained why the arguments to the 102/103 were inappropriate and thus not persuasive. As the responder has a registration number with the USPTO, they are presumed to be familiar with the MPEP. A 102/103 rejection is explained in section 2112 and 2113, and elsewhere.
- 4) When an examiner responds to an argument, doing so is not a new rejection or a new issue. Further, the applicant has been aware of the Holster reference, and references cited therein, long before the examiner was. The comment concerning reference 23 was in response to an argument raised by the applicant. This is why it was not raised earlier.
- 5) Due to the similarity of the process steps, the size of the particles was deemed the same. These particles would not be easily viewed by the technique of Laine, as the applicant recognizes (pg. 3 bottom).
- 6) The applicant does not understand how white spots could be interpreted as metal particles. Their attention is directed to Laine col. 9 lines 19 and 20.
- 7) Other comments are repeats of earlier arguments, and are not persuasive for reasons of record. Applicant should refer to the decision in Malagari and to MPEP 2173.05©. Concerning the alleged lack of ratios, it is noted that the data in Laine col.11 lines 6-10 can be readily used to calculate a ratio of 75:25. A pH of 8-12 includes a pH of 12, which is not patentably different from "greater than 12", as explained. It is not clear why an alloy is not a particulate.
- 8) Gasteiger pg. 77 refers to Pt-Ru catalysts on a support, the bimetallic particles being 10-25A which is the same as 1-2.5 nm, which is within the claimed range.
- 9) Upon further consideration and unrelated to the arguments presented, it is noted that claims 4 and 6 should not have been rejected, as they are substantially the same as claim 22.

/Stuart Hendrickson/